

weaken *Roe v. Wade* and interfere with a woman's right to make her own reproductive choices.

Mr. Speaker, let's respect the women of this country. Let's not undermine a woman's Constitutional right to choose. Vote no on H.R. 503!

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that making reference to persons on the floor who are not Members of the House is not appropriate.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lofgren substitute amendment would provide an enhanced sentence for a violent crime that causes an interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy. This substitute clearly must be opposed.

First, the substitute ignores the injuries inflicted by violent criminals upon the unborn. It appears to operate as a sentencing enhancement. A sentencing enhancement is when you get attacked and the attacker throws you down and hurts your arm, your leg and your back, too. The attacker's penalties gets enhanced by the additional penalties done to the victim. But I challenge anyone to sit back and reflect on the loss they would feel if they were a pregnant woman who lost her unborn child or a relative of that woman. Would the loss felt be the same as the loss of an appendix or pancreas? I think not. Would you feel the same regret you felt for a bone if a bone were broken or a slipped disk in one's back? Surely not.

The loss that a person would feel would be a distinct and a unique loss, and the criminal law should appropriately reflect that loss in a separate offense protecting the unborn children. It is our goal to protect them and the mothers in this instance. The law does not simply punish criminals. The law, and especially criminal law, embodies the judgment of civilized society. As such it must credibly and fully respect and reflect the magnitude of the loss felt when a woman loses her unborn child to violence. This can only be done by creating a separate offense to protect the separate unborn person.

Second, the substitute is hopelessly ambiguous. So ambiguous that it puts in jeopardy the prosecution of any criminal for violence against the unborn. The confusing verbiage in the substitute amendment is incomprehensible; and if adopted, it will almost certainly doom any prosecution for injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides an enhanced penalty for "interruption to the normal course of the pregnancy resulting in prenatal injury, including termination and pregnancy." The amendment then authorizes greater punishment for an "interruption" that terminates the pregnancy than it does for a mere interruption of a pregnancy.

What is the difference between an interruption of a pregnancy and an interruption that terminates the pregnancy? Does not any interruption of a pregnancy necessarily result in a termination of the pregnancy; or have supporters of the substitute managed to find a way to place a developing human being in some sort of suspended animation.

Mr. Speaker, what does the phrase "termination of pregnancy" mean. Does it mean only that the unborn child died, or could it mean that the child was just born prematurely without suffering any injuries.

These ambiguities make the substitute almost impossible to make any sense of. But maybe this is not what the substitute does. It is so ambiguous that it admits of several readings. It is more like a bowl of tea leaves.

Subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection (a), suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child. Which is it? What is going on here? Let us not support a substitute that is more like a Magic 8-Ball.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing an unborn child "result in the conviction of the person so engaging." So does this indicate a conviction must be obtained before the defendant may be charged with a violation of subsection 2(a); or does it mean that the additional punishment must be imposed at the trial for the predicate offense, so long as it is imposed after the jury convicts based on the predicate offense.

Mr. Speaker, is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply makes no sense except perhaps to criminals who will understand its significance crystal clear. They get away with the heinous crime.

Unlike the current language of the bill, the substitute stunningly contains no exemptions for abortion-related conduct, for conduct of the mother, or for the medical treatment of the pregnant woman or her unborn child. This omission leaves the substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves or their unborn children, or doctors who kill or injure unborn children during the provision of medical treatment. This substitute as written is a magnet for a constitutional challenge.

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The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during

the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes a death or a bodily injury to a child who is in utero at the time the conduct takes place.

The substitute amendment seems to transform the death of the unborn child into the abstraction "terminating a pregnancy." "Bodily injury" inflicted upon the unborn child appears to become "prenatal injury." Both injuries are described as resulting from an "interruption to the normal course of the pregnancy."

These abstractions ignore the fact that the death of an unborn child occurs whenever a pregnancy is violently "terminated" by a criminal. They also fail to recognize that a "prenatal injury" is an injury inflicted upon a real human being in the womb of his or her mother.

For example, if an assault is committed, for example, on a Federal employee, and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a "pregnancy." It is an injury to a human being. Our bill recognizes that. The substitute does not. The substitute is thus fatally flawed and must be rejected.

The substitute amendment is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will be almost impossible. The substitute amendment is also subject to constitutional attack because it contains no exemption for abortion-related conduct, for conduct of the woman, or for medical treatment. And finally the substitute amendment ignores the injuries inflicted by violent criminals upon unborn children, transforming those injuries into mere abstractions.

For these reasons, the substitute amendment should be rejected.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I would just note that the gentleman's analysis, I thought, was both confused and confusing. The bill is well-drafted. The reason why there is no carve-out for abortion is that so far abortion is not a crime in America. The bill is based on criminal conduct in the code.

Finally, I would just note that the gentleman may not know what a miscarriage is, but those of us who have had one do understand it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise to express my wholehearted support for the Lofgren amendment and strong opposition to the underlying bill without that amendment. We must be clear on one thing. H.R. 503, the underlying bill,